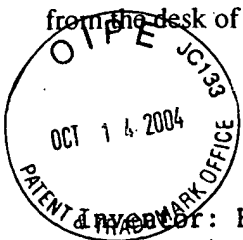


PCT

H3

from the desk of

Howard K. Shapiro, Ph.D.

214 Price Avenue, Apt. F32
Narberth, PA 19072

Inventor: Howard K. Shapiro
International Application No.: PCT/US96/13850
International Filing Date: 29 August 1996
Priority Date: 01 September 1995
U.S. Serial No.: 09/194,619

Docket No. P-1018
Group Art Unit: N/A
Examiner: N/A

Title: Methods and Compositions for Development of Drug
Screening Procedures and Diagnostic Tools

RECEIVED

To the Commissioner of Patents and Trademarks:

9 NOV 2004

LETTER BY APPLICANT RESPONSIVE TO
37 CFR 1.495 AND 35 U.S.C. 371 FORMALITIES LETTER
NOTIFICATION OF ABANDONMENT ISSUED 07/20/04
CONFIRMATION NO. 3413

Legal Staff
International Division

This communication is in response to the USPTO letter dated 20 July 2004 as issued by Vonda M. Wallace, as noted above [copy attached hereto]. Therefore, the present communication is intended for the attention of Ms. Wallace.

Presently, the Applicant wishes to note that the above-cited USPTO Notification of Abandonment has been issued in error. Accordingly, the Applicant presently requests that the above-cited patent application be restored to a status of active examination. Furthermore, the Applicant respectfully requests that he be notified that the above-cited Notice of Abandonment has been withdrawn and that he be notified as to what USPTO Group Art Unit and examiner the application has been assigned.

In support of the Applicant's present requests, the Applicant wishes to draw Ms. Wallace's attention to the document photocopies attached to this communication. In the 07/20/04 USPTO Notification of Abandonment, Ms. Wallace cited the following statement as the basis for the USPTO action: "Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 07/07/2003 within the time period set therein." The Applicant presently notes that this statement by Ms. Wallace is not correct.

Presently, the attention of Ms. Wallace is drawn to the attached photocopy of a letter written by the Applicant and mailed to the USPTO via Certified Mail on 21 August 2003. Applicant's letter of 21/08/03 clearly was responsive to the USPTO letter of 07/07/03.

Furthermore, the attention of Ms. Wallace is presently drawn to the attached photocopy of a receipt from the Narberth PA Post Office dated 08/21/2003. This receipt documents that the Applicant paid \$2.67 for Certified Mail Number 70030500000559037909 and that this mailing was directed to Alexandria VA 22313. This Certified Mail number corresponds exactly to the number cited in the Certificate of Mailing statement in the Applicant's letter to the USPTO dated 21 August 2003.

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Furthermore, the attention of Ms. Wallace is presently drawn to the attached photocopies of both the front and the back of Applicant's personal check number 6346. This check is in the amount of two hundred twenty-two dollars (\$222.00) and is dated August 21, 2003. It is made payable to "COMMISSIONER OF PATENTS & TRADEMARKS." On the memo line of the check, the Applicant typed "US appl 09/194,619." In the upper left corner of this check, the Applicant typed "35 USC 371 Formalities Letter fee." On the back of this check, several cancellation marks appears. These include a faint purple cancellation mark which reads as follows"

PATENT AND TRADEMARK OFFICE
13-10-0001
09-08-2003
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Hence, on the basis of the evidence provided herein and summarized above, the USPTO NOTIFICATION OF ABANDONMENT letter as issued by Ms. Wallace on 07/20/2004 is without merit. In fact, the Applicant responded correctly in his letter of 21 August 2003, he provided the \$222.00 fee payment required, the USPTO cashed the Applicant's check, and then the USPTO lost track of the Applicant's compliance. This is not a failure on the part of the Applicant, and the Applicant is presently requesting that the previous error on the part of the USPTO be corrected.

The Applicant also wishes to once again request that all future USPTO communications regarding this patent application be addressed directly to said Applicant. Accordingly, USPTO communications should be addressed to:

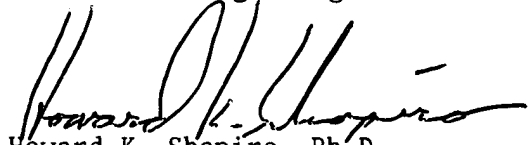
Howard K. Shapiro
214 Price Avenue, Apt. F-32
Narberth, PA 19072

Referring to the recipient address on both the USPTO letter dated 07/07/2003 and the USPTO letter dated 07/20/2004, the Applicant notes that the Applicant's former attorney of record, Donald J. Perrella is now retired and the Applicant is no longer represented by Wyatt, Gerber, Burke & Badie.

In closing, the Applicant wishes to note the following, as regards the present response to the USPTO letter dated 07/20/2004. The USPTO letter of 07/20/2004 was forwarded to the Applicant's attention by Donald J. Perrella on 30 July 2004. But by necessity the Applicant's present response has been delayed. The Applicant is a USPTO Small Entity and represents himself regarding the instant patent application. But during the period of 04/15/2002 through 04/30/2004 he was employed as a research scientist at the University of Pennsylvania School of Medicine. Subsequent to 04/30/2004 the Applicant has been unemployed, although he has continued his professional efforts at the University of Pennsylvania on a volunteer basis. Accordingly, recent months have been characterized by extenuating circumstances for the Applicant and the Applicant has responded as best as possible. The Applicant's professional activities in recent months have included the preparation and filing of the following documents: (1) National Institutes of Health PA-01-080 research grant application for disabled scientist [e.g., the Applicant] filed 04/16/2004, (2) progress report for PA-01-080 application as filed by email on 07/02/2004, (3) email filing on

07/04/2004 of proposed research grant application abstract to the ALS Association, (3) 08/19/2004 c.i.p. filing at the USPTO [now Serial No. 10/924,945], (4) research grant application filed at the ALS Association on 09/12/2004, (5) R21 research grant application filed at the National Institutes of Health on 10/01/2004, (6) R21 research grant application filed at the National Institutes of Health on 10/03/2004, and (7) R21 research grant application filed at the National Institutes of Health on 10/05/2004. These activities are both necessary to provide future employment and necessary to avoid homelessness. The Applicant presently notes that events of recent months have in fact constituted extenuating circumstances, and the Applicant has been attending to various professional requirements - including the present communication - as best he can.

With the submission of the information as summarized above, it is the Applicant's understanding that the examination process for this disclosure remains in compliance with USPTO procedural requirements, and the Applicant looks forward to further communication from the USPTO regarding said examination.

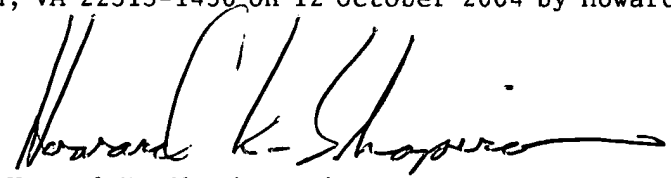


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12 October 2004

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Certified Mail number 7003-3110-0002-6969-3688 in an envelope addressed to: Commissioner of Patents & Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450 on 12 October 2004 by Howard K. Shapiro, Ph.D.



Howard K. Shapiro, Ph.D.



FORM PCT/DO/EO/909 (371 Abandonment Notice)

Inventor: Howard K. Shapiro
International Application No.: PCT/US96/13850
International Filing Date: 29 August 1996
Priority Date: 01 September 1995
U.S. Serial No.: 09/194,619

Docket No. P-1018
Group Art Unit: N/A
Examiner: N/A

Title: Methods and Compositions for Development of Drug
 Screening Procedures and Diagnostic Tools

To the Commissioner of Patents and Trademarks:

PAYMENT OF FEE RESPONSIVE TO
35 U.S.C. 371 FORMALITIES LETTER

Responsive to the USPTO letter dated 07 July 2003 concerning the patent application noted above, the applicant hereby submits payment of a fee in the amount of two hundred twenty-two dollars (\$222.00) as check number 6346. As stated on page 2 of the 07 July 2003 USPTO letter, the applicant has been given a two month period to submit the enclosed payment, i.e., up to 06 September 2003.

The applicant also wishes to take this opportunity to request that all future USPTO communications regarding this patent application be addressed directly to said applicant. Accordingly, USPTO communications should be addressed to:

Howard K. Shapiro
214 Price Avenue, Apt. F-32
Narberth, PA 19072

Referring to the recipient address on the USPTO letter dated 07 July 2003, the applicant notes that the applicant's former attorney of record, Donald J. Perrella is now retired and the applicant is no longer represented by Wyatt, Gerber, Burke & Badie.

With the submission of the enclosed fee as payment, it is the applicant's understanding that the examination process for this disclosure remains in compliance with USPTO procedural requirements, and the applicant looks forward to further communication from the USPTO regarding said examination.

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fax (215)-573-2107
email hshapiro@mail.med.upenn.edu

21 August 2003
Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as certified mail number 7003-0500-0005-5903-7909 in an envelope addressed to: Commissioner of Patents & Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450 on 21 August 2003 by Howard K. Shapiro, Ph.D.

Howard K. Shapiro, Ph.D.

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